THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24763 of 1997

Dated: 16.03.2007

Between:

Dabbaru Srinivasa Rao

… Petitioner

AND

The Selection Committee, APSRTC,
Srikakulam District & others.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24763 of 1997

ORDER:-

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in not absorbing the petitioner as Security Guard as illegal and violative of Article 14 of the Constitution of India.

The petitioner is admittedly a displaced employee (cleaner) with regard to bus bearing registration No.APS 6778, following the nationalization of the route on which the bus was plying. In pursuance of the scheme formulated by the Andhra Pradesh State Road Transport Corporation (for short "the Corporation"), the petitioner was initially considered for the post of cleaner along with three other persons. Out of the four persons, including the petitioner, the Selection Committee selected one K. Satyam, S/o. Rama Murthy for absorption and accordingly he was given appointment as cleaner. However, as the petitioner was not selected for the post of cleaner, his case was considered for the post of Security Guard. Since the petitioner fell short of the required height of 168 cms, for the post of Security Guard, he is not selected.

Heard Sri A. Rama Rao, learned counsel for the petitioner and none appears for the respondents.

From the averments of the counter-affidavit filed in the writ petition, it is clear that the petitioner's case was considered initially for the post of cleaner and later for the post of security guard. It is specifically mentioned in paragraph 4 of the counter-affidavit that since the petitioner fell short of the required height of 168 cms, he was not appointed. This averment contained in the counter-affidavit has not been denied by the petitioner. It is further mentioned in the counter-affidavit that as against the required number of five persons to be considered and absorbed in respect of the bus in which the petitioner worked as cleaner, six persons were absorbed (2 drivers, 2 conductors and 2 checkers).

The petitioner's case received fair consideration and since he failed to get selected for the post of cleaner as well as security guard, he has no legal right for appointment to the post.

Having regard to the facts narrated above, there is no illegality or arbitrariness in the action of the respondents in not absorbing the petitioner as cleaner.

For the aforementioned reasons, the writ petition is dismissed. No costs.

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C.V. NAGARJUNA REDDY, J

Date: 16.03.2007
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